

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICHAEL DURHAM,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 07-370-***
	:	
ELIZABETH BURRIS , Acting Warden,	:	
and JOSEPH R. BIDEN, III , Attorney	:	
General of the State of Delaware,	:	
	:	
Respondents.	:	

MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS

1. The petitioner, Michael Durham, has applied for federal habeas relief challenging his December 2003 conviction by a Delaware Superior Court jury for first degree burglary, attempted first degree robbery, first degree reckless endangering, four counts of possession of a firearm during the commission of a felony, terroristic threatening, third degree assault (the lesser included offense of second degree assault), endangering the welfare of a child, criminal mischief, and aggravated menacing. D.I. 1. The undersigned filed an answer to the petition on November 15, 2007.

2. By the terms of the Court's order, the respondents were to file certified copies of the state court records material to the questions raised in the petitioner's appeal on or before December 10, 2007. D.I. 21.

3. Due to the extended absence from the office of the Chief of the Appeals Division, who personally retrieves the certified state court records, the undersigned has been unable to obtain the records. The undersigned has verified that the Clerk of the Delaware Supreme Court

has received the request for certified documents, and the undersigned anticipates obtaining the records on or before December 21, 2007.

4. Respondents submit that an extension of time to December 21, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: December 10, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan
Deputy Attorney General

Counsel for Respondents

Date: December 10, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICHAEL DURHAM,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 07-370-***
	:	
ELIZABETH BURRIS , Acting Warden,	:	
and JOSEPH R. BIDEN, III , Attorney	:	
General of the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records shall be filed on or before December 21, 2007.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2007, I electronically filed this motion for extension of time to file certified state court records and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on December 10, 2007, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Michael Durham
SBI No. 161286
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us